



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R. Meissner et al. Case No.: 21026YP  
Application No.: 10/507,239 Art Unit: 1625  
Filing Date: September 9, 2004 Examiner: C. S. Aulakh  
For: FLUORINATED 4-AZASTEROID DERIVATIVES AS  
ANDROGEN RECEPTOR MODULATORS

Mail Stop: ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

Applicants respectfully request that you note the attached Supplemental Notice of Allowability issued by Examiner Charanjit S. Aulakh for the above-identified application.

Respectfully submitted,

By Patricia A. Shatynski  
Patricia A. Shatynski  
Reg. No. 43,109  
Attorney for Applicants

MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-1652

Date: November 28, 2006

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY: Carolyn Payne DATE: 11-28-06



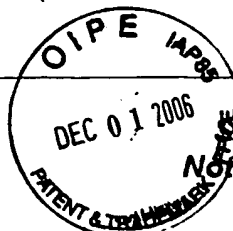
**FACSIMILE COVER SHEET**  
**PTO GROUP 1200**  
Fax Number (703) 308-4556

FROM: ALLAKH  
ART UNIT: 1625  
SERIAL NO: 10/ 507, 239

TO: PATRICIA A. SHATYNSKI  
COMPANY: MERCK & CO.  
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MY TELEPHONE NUMBER IS ~~(703)~~ 571-272-0878  
THANK YQU.



# **SUPPLEMENTAL Notice of Allowability**

Application No.

10/507,239

Applicant(s)

MEISSNER ET AL.

Examiner

Charanjit S. Aulakh

Art Unit

1625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 312 amendment filed on Oct. 6, 2006.
2. ☒ The allowed claim(s) is/are 1-20, 42, 44, 45, 48 and 49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 11/20/06.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*C. S. Aulakh*  
**CHARANJIT S. AULAKH, PH.D**  
**PRIMARY EXAMINER**  
 Charanjit S. Aulakh  
 Primary Examiner  
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### DETAILED ACTION

1. According to paper filed on Oct. 6, 2006, the applicants have filed 312 amendment after notice of allowance. According to this amendment, the applicants have amended claim 3 and furthermore, have added new claims 42-49.
2. Claims 1-20 and 42-49 are now pending in the application.

### EXAMINER'S AMENDMENT

3. The following amendment is pursuant to a telephone conversation with the applicant's attorney, Ms. Patricia A. Shatynski on Nov. 20, 2006. The following changes have been made in claims:

Cancel claims 43, 46 and 47.

In claim 42, line 1, change the dependency upon claim 17 by deleting -18 --- and inserting ---17---after claim and furthermore, delete first compound -----N-(2,2,2-trifluoroethyl)-2-fluoro-4-methyl-3-oxo-4-aza-5 alpha-androst-1-en-17 beta-carboxamide, -----.

4. Claims 1-20, 42, 44, 45, 48 and 49, renumbered as claims 1-25, are allowed since the newly submitted claims ( directed to specific compounds ) are part of previously allowed claim 17 and therefore, do not affect the patentability of allowed claims.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

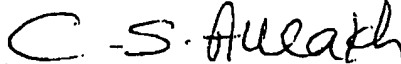
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas McKenzie can be reached on (571)272-0670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Charanjit S. Aulakh  
Primary Examiner  
Art Unit 1625